

GEORGIA

The constitution provides for freedom of religion, and the Government generally respected this right in practice.

During the period covered by this report, the status of religious freedom continued to improve. Beginning in July 2005 the Government approved the registration applications of previously unregistered religious groups, pursuant to a new law enabling religious groups to operate more freely. A total of fourteen organizations subsequently registered under the law. Police were generally more responsive to the needs of minority religious groups but failed at times to adequately protect them. In December 2005 numerous members of Parliament (MPs) objected strongly to a report by the government ombudsman calling for equal recognition under the law of all religious groups. The MPs stated that the historical role of the Georgian Orthodox Church justified its privileged position.

Citizens generally did not interfere with religious groups considered to be "traditional"; however, there was widespread suspicion of "nontraditional" ones. Attacks on religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease. While the Prosecutor General's Office increasingly initiated investigations of religious-based violence, past complaints remained unresolved.

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of approximately 25,900 square miles, and its population is an estimated 4.4 million. Most ethnic Georgians (who constituted more than 80 percent of the population, according to the 2002 census) at least nominally associated themselves with the Georgian Orthodox Church (GOC). According to common Orthodox practice, Orthodox churches serving non-Georgian ethnic groups, such as Russians, Armenians, and Greeks, are under the territorial jurisdiction of the GOC. Non-Georgian Orthodox churches generally use the language of their communicants. There remained a small number of mostly ethnic Russian adherents from three dissident Orthodox schools--the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers). Under Soviet rule, the number of active churches and priests declined sharply, and religious education

was nearly nonexistent. Membership in the GOC has continued to increase since independence in 1991. The Church maintained four theological seminaries, two academies, several schools, and twenty-seven dioceses; it had approximately 700 priests, 250 monks, and 150 nuns. The Church was headed by Catholicos Patriarch Ilia II; the patriarchate was located in the capital, Tbilisi.

The Armenian Apostolic Church (AAC), Roman Catholicism, Judaism, and Islam traditionally coexisted with Georgian Orthodoxy. Some religious groups were correlated with ethnicity. Azeris comprised the second largest ethnic group (approximately 285 thousand, 7 percent of the population) and were largely Muslim; most lived in the southeastern region of Kvemo-Kartli, where they constituted a majority. Armenians were the third largest ethnic group (estimated at 249 thousand, 6 percent of the population), comprising the majority in the southern Samtskhe-Javakheti region. Armenians largely belonged to the AAC.

Approximately 9.9 percent of the population was at least nominally Muslim. There were three main Muslim populations: ethnic Azeris, ethnic Georgian Muslims of Ajara, and ethnic Chechen Kists in the northeastern region. There were four large madrassahs (Muslim religious schools) attached to mosques in the eastern region, two of which were Shi'ite and financed by Iranian religious groups, and two of which, financed by Turkish religious groups, were Sunni. There were also several smaller madrassahs in Ajara that were financed by private groups in Turkey.

The Armenian Apostolic Church comprised the third largest religious group, with members constituting an estimated 3.9 percent of the population. Each of the other religious groups constituted less than 1 percent of the population.

There were approximately thirty-five thousand Catholics, largely ethnic Georgians or Assyrians. A small number of Kurdish Yezidis--an estimated eighteen thousand--have lived in the country for centuries. The ethnic Greek Orthodox community used to number more than one hundred thousand, but emigration waves since independence reduced its numbers to approximately fifteen thousand.

Judaism, which has been present since ancient times, was practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. Approximately ten thousand Jews remained in the country following two large waves of emigration, the first in the early 1970s and the second during perestroika in the late 1980s. Before then, officials estimate that there were approximately forty thousand Jews.

Since the collapse of the Soviet Union, Protestant and other nontraditional denominations have become more active and prominent. Local Jehovah's Witnesses' representatives stated that the group had approximately 16 thousand adherents locally and had been in the country since 1953. Pentecostals, both ethnic Georgian and Russian, were estimated to number nine thousand. Baptists--composed of ethnic Russian, Georgian, Armenian, Ossetian, and Kurdish groups--totaled an estimated eight thousand adherents.

There were fewer than one thousand Lutherans, mostly descendents of German communities that settled in the country several hundred years ago. Seventh-day Adventists claimed approximately 350 members, and the New Apostolic Church was also present. Membership in the Church of Jesus Christ of Latter-day Saints was small. There also were a few Baha'is, Hare Krishnas, and Buddhists. The membership of all these groups combined was officially estimated at thirty-four thousand persons. The number of atheists who openly declare themselves as such was less than 1 percent of the population.

Section II. Status of Freedom of Religion

Legal/Policy Framework

The constitution provides for freedom of religion, and the Government generally respected this right in practice; however, local officials and police sometimes denied this right or protection to religious minorities. The constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of the church from the state. In 2002 a constitutional agreement (concordat) between the Government and the GOC was signed and ratified by Parliament. The concordat recognizes the special role of the GOC and devolves authority over all religious matters to it, including matters outside the church including public education topics.

The criminal code specifically prohibits interference with worship services, persecution of a person based on religious faith or belief, and interference with the establishment of a religious organization. Violations of these prohibitions are punishable by fine and/or imprisonment. Violations committed by a public officer or official are considered abuse of power and are punishable by higher fines and/or longer terms of imprisonment.

The president and government ombudsman have been effective advocates for religious freedom and have made numerous public speeches and appearances in

support of minority religious groups. The Ministry of Internal Affairs and the Prosecutor General's Office (PGO) have become more active in the protection of religious freedom but sometimes have failed to pursue criminal cases against Orthodox extremists for previous attacks against religious minorities. The human rights unit in the legal department of the PGO is charged with protecting human rights, including religious freedom. Since the beginning of 2005 the PGO has initiated twenty-eight investigations of religious-based violence, which have resulted in the trial and conviction of seven individuals.

The GOC remains very active in the restoration of religious facilities, and it lobbies the Government for the return of properties that were held by the Church before the country's incorporation into the Soviet Union (church authorities have claimed that 20 to 30 percent of the country's land area at one time belonged to the church). In September 2005 the Government returned three additional properties to the GOC.

In November 2005 President Saakashvili ordered the return of a mosque in the Kvemo-Kartli region, which had been seized earlier and converted into a community hall.

The country celebrates all Orthodox holy days. In March 2006 President Saakashvili attended the celebration of the Muslim holy day Navrus Bairam in Marneuli, and in November 2005 he participated in a celebration of the Muslim holy day Bairam at a mosque in Tbilisi.

Before a registration process was established by Parliament in April 2005, religious groups were required to register as public entities, even though the law provided no mechanism to do so yet stipulated a fine for any unregistered religious group. Religious groups may now register as local associations or foundations. An association is based on membership (a minimum of five members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the particular group or the general public. In both cases registration is a function of the Ministry of Justice (MOJ). Registration must be granted or denied within fifteen days of application; a refusal may be appealed in court.

In July 2005 the MOJ approved the first applications filed under the new registration process. Both the Foundation of the Church of Jesus Christ of Latter-day Saints in Georgia (Mormons) and the Representation of the International Agency of Adventist Development and Assistance in Georgia (which is affiliated

with the Seventh-day Adventist Church) received approval in less time than the fifteen days allowed by law. An additional twelve organizations subsequently registered under the law. The MOJ suspended a notary public for one year after she refused to notarize documents of a Pentecostal church that the church needed for registration; the congregation was seeking registration at the end of the reporting period. Officials at the MOJ were responsive in providing advice to religious organizations on preparing registration applications and supporting documentation.

Some religious communities expressed dissatisfaction with the status that registration provided. The Catholic Church (RCC) and the AAC opposed registering themselves as civil organizations. Other churches such as the Baptists expressed concern that transfers of property to their churches would then be taxable.

In November 2005 Jehovah's Witnesses rented a hall in Rustavi to conduct meetings. On November 3, 2005, Paata Bluashvili, the leader of the Orthodox group Jvari, and members of the group threatened the owner of the meeting hall, who then cancelled the contract with the Jehovah's Witnesses. Bluashvili was convicted in 2004 of interfering with a religious service and given a two-year suspended sentence. Pending investigation of the November incident, Bluashvili was sentenced to pretrial detention. Upon Bluashvili's appeal of the three-month detention, a court of appeals overturned the sentence and released him, pending trial. In April 2006 a Rustavi court reinstated the three-month sentence. Bluashvili failed to appear at the April hearing and was wanted by the authorities.

While Jehovah's Witnesses no longer believed it necessary to hold services in private homes for security reasons, they often continued to do so, due to delays in obtaining permits to build and occupy Kingdom Halls.

Despite a law on education passed in April 2005 that forbids religious indoctrination, proselytizing, forced assimilation, or the teaching of theology in public schools during school hours, in practice students routinely received instruction in Orthodox Christian theology. Teachers often began most courses, including mathematics and science, by leading the class in a recitation of Orthodox prayers. Those students who did not participate were sometimes punished. The law also forbids the display of religious symbols on a public school's grounds unless the purpose is academic. In many classrooms, however, teachers hung orthodox icons or pictures of GOC religious figures. Some schools have Orthodox chapels where students were encouraged to pray.

Public schools offered an elective course, "Religion in Society." This course, however, dealt exclusively with the theology of Orthodox Christianity. Moreover, while the course was an elective, there was societal pressure for students to take it. The primary textbook approved for use in the course focused on Orthodox Christianity to the exclusion of other faiths. The Ministry of Education (MOE) continued to work on curriculum development for this course.

Students are allowed to study religion and conduct religious rituals after school hours; neither a teacher nor any other outside party, such as a priest, may participate unless invited by the students. Prayers and other rituals may no longer be conducted during school hours.

The GOC routinely reviews religious and other textbooks used in schools for consistency with Orthodox beliefs. By law the church has a consultative role in curriculum development but no veto power.

Pursuant to a memorandum signed by the GOC patriarchate and the MOE in January 2005, a joint working group began reviewing options for the elective course on religion in society and other matters related to religion in the curriculum. In the memorandum, the ministry also agreed to financially assist the church in its education projects and institutions and to include the Church in the development of new material for religious education. No other religious groups were afforded these privileges.

Senior government officials, including the speaker of Parliament, and opposition party leaders intervened when the public television station declined to broadcast live a Christmas Eve church service. The service was broadcast following the intervention.

Restrictions on Religious Freedom

The 2002 concordat between the GOC and the state defines relations between the two. The GOC enjoys tax-exempt status not available to other religious groups. The concordat contained several controversial articles: giving the patriarch immunity, granting the Church the exclusive right to staff the military chaplaincy, exempting GOC clergymen from military service, and giving the Church a unique consultative role in government, especially in the sphere of education. Many of these controversial articles, however, required Parliament to adopt implementing legislation, which it had not done at the end of the reporting period. For example,

despite the concordat granting the GOC the right to establish a military chaplaincy, no legislation had been adopted and there were no chaplains in military units.

The Catholic, Lutheran, Baptist, and Armenian Apostolic churches, as well as representatives of the Jewish and Muslim faiths, signed formal documents with the GOC patriarchate agreeing to the concordat but stated after the document was published that several of these controversial articles were not in the original that they had signed. Representatives of nontraditional minority religious groups, such as Jehovah's Witnesses and Pentecostals, were not included in the concordat process. The AAC raised concerns about the authority the GOC enjoys over decisions regarding the return of historically AAC church property.

While most citizens practiced their religion without restriction, the worship of some, particularly adherents of nontraditional faiths, was restricted by threats and intimidation from some local Orthodox priests and congregations. On some occasions during the reporting period, local police were slow to prevent the harassment of non-Orthodox religious groups, including Jehovah's Witnesses and Pentecostals.

On February 14, 2006, members of Jehovah's Witnesses requested permission to use the privately owned sports palace in Tbilisi for a two-day religious convention for up to five thousand persons. On February 22, 2006, the management of the sports palace responded that they would be willing to accommodate such a convention only if Jehovah's Witnesses obtained a guarantee from the state to provide security. An identical request they made in April 2005 had received a similar response from the management. The 2005 incident prompted an investigation by the PGO; results were pending at the end of the reporting period.

A 2001 Supreme Court ruling revoked the registration of Jehovah's Witnesses as a foreign branch of the U.S.-based Jehovah's Witnesses on the grounds that the law does not allow registration of religious organizations. The revocation resulted from a 1999 court case brought by a former MP seeking to ban the group on the grounds that it presented a threat to the state and the GOC. A case brought by Jehovah's Witnesses before the European Court of Human Rights (ECHR) in 2001 challenging this annulment was pending at the end of the period covered by this report. It was unclear how the acknowledgement by the Government of the lawfulness of the Jehovah's Witnesses' registration and four subsequent registrations by other religious organizations as branches of foreign noncommercial legal entities would affect the case before the ECHR.

The Catholic and Armenian Apostolic churches have been unable to secure the return of churches and other facilities closed during the Soviet period, many of which later were given to the GOC by the state. The prominent AAC church in Tbilisi, Norashen, remained closed, as did four smaller AAC churches in Tbilisi and one in Akhaltsikhe. In addition, the RCC and AAC, like Protestant denominations, have had difficulty obtaining permission to construct new churches.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central Government, and reliable information from those regions was difficult to obtain. A 1995 decree issued by the de facto leader of Abkhazia banning Jehovah's Witnesses in the region remained in effect but was not enforced. During the reporting period Jehovah's Witnesses reported no problems in Abkhazia, where membership was approximately 1,500. Although Baptists, Lutherans, and Catholics also reported that they were allowed to operate in the region, the GOC reported it was unable to do so. The patriarch expressed concern over Russian Orthodox Church (ROC) support of separatism in the region, specifically subsidizing websites that encouraged secessionist sentiments. The GOC also complained that the ROC's Moscow Theological Seminary was training Abkhaz priests. Despite the fact that the ROC recognizes the country's territorial integrity, the GOC patriarchate claimed that the ROC was sending in priests loyal to the ROC patriarchate in Moscow, under the pretext of setting up indigenous Abkhaz churches.

Orthodox believers were not able to conduct services in GOC churches located near the villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the control of Ossetian authorities.

Abuses of Religious Freedom

While there were fewer physical attacks on religious minority groups during the reporting period, harassment continued. Although police rarely facilitated harassment of religious minority groups, they sometimes failed to protect them.

There was sporadic harassment of members of nontraditional religious groups. Occasionally local Orthodox priests and their congregation members verbally and physically threatened members of minority groups and prevented them from constructing places of worship and from holding worship services. Representatives of the affected groups regularly filed complaints with the PGO and the ombudsman.

Within the PGO, the Human Rights Protection Unit monitors the progress of investigations and prosecution of cases involving abuses of religious freedom. During the reporting period, twenty instances of interference, threats, intimidation, or violence were investigated. In five instances, cases were awaiting trial; in eleven instances, the investigations were ongoing; and in four instances, the investigation did not find sufficient evidence to support charges. In October 2005 a case against J. Megenishvili, for interfering in the performance of a religious service, was forwarded to the Tbilisi city court for trial. In August 2005 the prosecutor general initiated an investigation related to an attack on two members of Jehovah's Witnesses, Lamara Tskhovrebadze and Guliko Palivashvili. That investigation was ongoing at the end of the reporting period.

In Rustavi on August 28, September 1, and October 18, 2005, Jehovah's Witnesses alleged that thirty persons blocked the road leading to a home used for services. At the request of the public defender, an investigation was launched. The investigation found that the congregation had not been subjected to threats or violence.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements in Respect for Religious Freedom

Pursuant to a new registration law adopted in April 2005, religious groups can obtain legal status, which provides benefits such as the ability to enter into contracts, open bank accounts, and own property. While many religious groups praised the legislation, more traditional religious groups continued to push for special legal status that would set them apart from nontraditional religious groups. Some religious groups also complained that the amendment did not provide for registering property that they already owned under personal title. While the parliamentary legal committee agreed to hold consultations to help religious groups overcome this hurdle, the law was not amended before the end of the reporting period.

Nontraditional religious groups reported that they were able to import literature without seizure or delay. The AAC stated, however, that imports of religious items such as candles were sometimes delayed due to ambiguities about the Church's legal status in the country.

While Jehovah's Witnesses no longer believed it was necessary, for security reasons, to hold their services in private homes, due to delays in obtaining permits to build and occupy Kingdom Halls, congregations often continued to meet in private homes.

In an effort to implement a 2001 Supreme Court ruling, the Jewish community reached an agreement with a theater group whereby the theater group vacated a hall in a Tbilisi building seized from the Jewish community during Soviet rule. While the Jewish community was able to use the hall, the situation was not fully resolved, because the community could not use the hall as a synagogue.

In July 2005 the GOC patriarch and the ombudsman established religious councils as forums to discuss ecumenical approaches to addressing social problems such as poverty and drug addiction.

On November 2, 2005, the appeals court upheld a trial court decision sentencing excommunicated Orthodox priest Basil Mkalavishvili to six years' imprisonment for engaging in numerous attacks on nontraditional religious minorities including Baptists, Seventh-day Adventists, and Jehovah's Witnesses. The four-year sentence of his accomplice Petre Ivanidze was also upheld.

Section III. Societal Abuses and Discrimination

The public's attitude towards religion was ambivalent. Although many residents were not particularly observant, the link between the country's Orthodoxy and ethnic and national identity was strong.

The Jewish communities reported that they encountered few societal problems. Anti-Semitism has not been a significant problem in recent years, and there were no reported incidents during the period covered by this report.

Relations between Sunni and Shi'ite Muslims were very good; Sunni and Shi'a worshipped together in Tbilisi's mosque. Relations between Muslims and Christians were also quite good. There were occasional media reports of minor incidents of violence between ethnic Azeris and ethnic Georgians or ethnic

Armenians; however, these incidents did not appear to be motivated by religious differences.

Despite their historical tolerance toward minority religious groups traditional to the country--including Catholics, Armenian Apostolic Christians, Jews, and Muslims--many citizens remained apprehensive about Protestants and other nontraditional religious groups, which they often viewed as taking advantage of the populace's economic hardship by gaining membership through economic assistance to converts. Many members of the GOC and the public viewed religious minorities, especially nontraditional groups of evangelical Protestants or so-called "sects," as a threat to the national church and the country's cultural values.

Local Orthodox priests and public school teachers vocally criticized minority religious groups and interfaith marriages. Some also discouraged Orthodox followers from any interaction with students who belonged to Protestant churches. Sometimes teachers ridiculed students who had converted to Protestant faiths, claiming the students converted because they were offered financial benefits.

In 1997 the GOC withdrew from the World Council of Churches to appease clerics strongly opposed to ecumenism. Some Orthodox Church officials had ties to the Jvari organization that was involved in physical attacks on nontraditional religious organizations and to two fundamentalist Orthodox groups, the Society of Saint David the Builder and the Union of Orthodox Parents, which denounced activities of non-Orthodox churches or organizations.

GOC authorities accused AAC believers of purposely altering some existing Georgian Orthodox churches so that they would be mistaken for AAC churches. AAC representatives accused GOC believers of similar activities. On July 14, 2005, in the village of Samsara in the Samtskhe-Javakheti Region, a group of ethnic Georgian students and GOC nuns were attacked by ethnic Armenian villagers as they were cleaning up a church whose ownership is in dispute. The villagers accused the students and nuns of trying to erase crosses symbolic of the AAC from the building and of placing Orthodox icons in the church. After the ombudsman intervened, representatives from both the GOC and the AAC issued a joint statement denouncing the violence and calling for forgiveness of those who had used force.

Following a series of physical and verbal threats in April and May 2005 against a group of Russian Pentecostals attempting to hold services in a private home in Tbilisi, the ombudsman helped the congregation obtain a plot of land on which to

construct a new building for services. While plans for the building were being drawn up, the congregation conducted services in undisclosed private homes or in outdoor areas. Police routinely provided protection in the latter case. No charges were filed in connection with the April and May 2005 incidents.

Following a series of incidents which began in June 2005 in Kutaisi during which local residents repeatedly attacked members of Jehovah's Witnesses in an effort to stop renovations to a meeting house, numerous investigations were launched into the attacks as well as into reports that the police had been slow to respond to the violence and then themselves threatened the Jehovah's Witnesses. Two individuals who were detained in connection with the attack publicly apologized to the Jehovah's Witnesses. In April 2006, at the request of Jehovah's Witnesses, the criminal charges against the two persons were dropped. The meetinghouse in Kutaisi operated freely afterwards.

In August 2005 a large and vocal protest continued for two days at the Nunciature of the Holy See in Tbilisi. A GOC parents group, objecting to perceived proselytizing by the Catholic Church, carried out the protest. The group also included Orthodox clergy. Police did not disperse the protesters even when objects were thrown at the Nunciature.

In September 2005 an ecumenical memorial service was held for the victims of Hurricane Katrina and the September 11, 2001, terrorist attacks. Representatives from most Protestant denominations and of the Catholic, Muslim, and Jewish faiths participated.

Between November 24 and 26, 2005, the Christian Research Center, a nongovernmental organization (NGO) affiliated with the GOC, held a symposium to promote dialogue and tolerance. Representatives from the AAC, the RCC, and other denominations participated. During a presentation by the bishop of the Lutheran Evangelical Church, however, hecklers verbally abused him.

In December 2005 in the village of Tsinubani in the predominantly ethnic Armenian region of Samtskhe-Javakheti, a local AAC priest denounced a local Pentecostal congregation and urged villagers to prevent the latter from burying its members in the local cemetery. The ombudsman called for an investigation which is still pending.

Acts of religious violence between 2000 and 2004 went unpunished, sometimes despite the filing of numerous criminal complaints. For example, no criminal cases

were expected to be opened for the following incidents: the October 2004 incident in the village of Velistsikhe, where local Orthodox priests and congregation members used verbal and physical threats to block Baptists from constructing a church; the June 2003 arson attack on a Baptist church in Akhalsopheli; the July 2004 incident in Ozurgeti during which an employee of the mayor's office verbally and physically threatened two members of Jehovah's Witnesses who were proselytizing door-to-door; the November 2004 incident during which a member of Jehovah's Witnesses was threatened several times for using his house in Kareli to hold worship services; or the November 2004 assault by members of the conservative Orthodox group, "The Society of Saint David the Builder," on several more liberal GOC seminary students.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. government repeatedly raised its concerns regarding harassment of and attacks against nontraditional religious minorities with senior government officials, including the president, speaker of Parliament, the ministers of internal affairs and justice, and the prosecutor general. Embassy officials, including the ambassador, frequently met with representatives of the Government, Parliament, various religious confessions, and NGOs concerned with religious freedom issues.

An embassy official advocated with the Ministry of Justice on behalf of religious organizations seeking recognition under the registration law adopted in April 2005.